



Under the Aquatic Resource Alteration
General Permit for Utility Line Crossings

Tennessee Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville TN 37243

ARAP - NR1604.210

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 et seq.) the Division of Water Resources has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Utility Line Crossings* issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NR1604.210 and the terms and conditions set forth in the above referenced general permit.

PERMITTEE: City of Portland

AUTHORIZED WORK: Construction of gate station and extension of a 4-inch and 6-inch polyethylene natural gas line to a total of 3,650 LF

LOCATION: HWY 52, Sumner County

Latitude: 36.5787 Longitude: -86.4572

WATERBODY NAME: Drakes Creek

EFFECTIVE DATE: 27-JAN-17

EXPIRATION DATE: 06-APR-20

This does not preclude requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. This permit may also serve as a federal §401 water quality certification (pursuant to 33 U.S.C. §1341) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 et seq. or of § § 301, 302, 303, 306 or 307 of *The Clean Water Act*).

The state of Tennessee may modify, suspend or revoke this authorization should the state determine that the activity results in more than an insignificant degradation of applicable water quality standards or violation of the TWQCA. Failure to comply with permit terms may result in penalties in accordance with T.C.A. §69-3-115.



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE ENVIRONMENTAL FIELD OFFICE
DIVISION OF WATER RESOURCES
711 R.S. GASS BOULEVARD
NASHVILLE, TN 37216**

January 27, 2017

Mayor Kenneth Wilber
Mayor
City of Portland
e-copy: kmayor@cityofportlandtn.gov
100 S. Russell St.
Portland, TN 37148

**Subject: General Permit for Utility Line Crossings
Aquatic Resource Alteration Permit (ARAP) NR1604.210
City of Portland
City of Portland
Portland, Sumner County, Tennessee**

Dear Mayor Wilber:

We have reviewed your application for the proposed Construction of gate station and extension of a 4-inch and 6-inch polyethylene natural gas line to a total of 3,650 LF. Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations the Division of Water Resources is required to determine whether the activity described in the attached notice of coverage will violate applicable water quality standards. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2).

This activity is governed by the *General Permit for Utility Line Crossings*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NR1604.210 and the limitations and conditions set forth in the *General Permit for Utility Line Crossings* (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

Please note that no blasting will be permitted in the excavation of trenches that parallel or lie within 50 feet of a stream or wetland, including all stream crossings. Excavation and fill activities shall be separated from flowing waters and all contours must be returned to pre-project conditions. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction.

Annual Maintenance and Coverage Termination

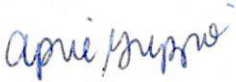
Permittees will be assessed an annual maintenance fee of \$350 for coverages that exceed one year. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit itself.

Permittees may terminate coverage prior to the expiration date by submitting a completed notice of termination form (NOT), which is available on the division's webpage at http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1450. A complete NOT should include

photodocumentation of the finished project area. The division will notify the permittee that either the NOT was received and accepted, or that the permit coverage is not eligible for termination (due to existing deficiencies) and has not been terminated.

We appreciate your attention to the terms and conditions of this general permit for aquatic resource alteration. If you have any questions, please contact Mr. John Leffew at (615) 687-7106 or by e-mail at John.Leffew@tn.gov.

Sincerely,



April Grippo
Environmental Program Manager

Encl: NOC and copy of general permit

CC: Nashville EFO Permit File

Mr. Robert J. Stigall, P.E., President, Stigall Engineering Assoc., Inc., rstigall@bellsouth.net

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

Division of Water Resources

William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243

1-888-891-8332 (TDEC)

TDEC
NASHVILLE
FIELD OFFICE
RECEIVED**Application for Aquatic Resource Alteration Permit (ARAP) & State §401 Water Quality Permit**

OFFICIAL STATE USE ONLY	Site #: 59509	Permit #: 2016 SEP -8 AM 10:45
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Section 1. Applicant Information (individual responsible for site, signs certification below)**NR1604-210**Applicant Name: **Kenneth Wilber**Company: **City of Portland**Signatory's Title or Position: **Mayor**Mailing Address: **100 South Russell Street**City: **Portland**State: **TN**Zip: **37148**

Phone: (615) 325-6776

Fax: (615) 325-7075

E-mail: **Kmayor@cityofportlandtn.gov****Section 2. Alternate Contact/Consultant Information** (a consultant is not required)Alternate Contact Name: **Robert D. Stigall**Company: **Stigall Engineering Associates, Inc.**Title or Position: **P.E., President**Mailing Address: **4117 Hillsboro Pike, Suite 206**City: **Nashville**State: **TN**Zip: **37215**

Phone: (615) 460-7515

Fax: (615) 460-7517

E-mail: **rstigall@bellsouth.net****Section 3. Fee** (check appropriate box and submit requisite fee with application)☒ No Fee Submitted☐ Fee Submitted with Application

Amount Submitted: \$ _____

Current fee schedules for Aquatic Resource Alteration Permit processing may be found at the Division of Water Resources webpage at <http://www.tn.gov/environment/permits/arap.shtml> or by calling (615) 532-0625. Make checks payable to "Treasurer, State of Tennessee".

Section 4. Project Details (fill in information and check appropriate boxes)Site or Project Name: **Connection to Midwestern Pipeline**Nearest City, Town or Major Landmark: **City of Portland**Street Address or Location: **City of Portland**County(ies): **Sumner**

MS4 Jurisdiction:

Latitude (dd.dddd): **36.5787**Longitude (dd.dddd): **86.4572**Resource Proposed for Alteration: ☒ Stream☐ Wetland☐ ReservoirName of Water Resource: **Drakes Creek**

Brief Project Description (a more detailed description is required under Section 8):

The project consists of the construction of a gate station and the extension of a total of 3,650 l.f. of 4-inch and 6-inch polyethylene natural gas line.

Does the proposed activity require approval from the U.S. Army Corps of Engineers, the Tennessee Valley Authority, or any other federal, state, or local government agency? ☐ Yes ☒ No

If Yes, provide the permit reference numbers: _____

Is the proposed activity associated with a larger common plan of development? ☐ Yes ☒ No

If Yes, submit site plans and identify the location and overall scope of the common plan of development.

Plans attached? ☒ Yes ☐ No

If applicable, indicate any other federal, state, or local permit authorizations that the overall project site (common plan of development) has obtained in the past (i.e. construction general permit coverage and/or other ARAPs):

Section 5. Project Schedule (fill in information and check appropriate boxes)Start date: **November 1, 2016**Estimated end date: **November 10, 2016**Is any portion of the activity complete now? ☐ Yes ☒ No If yes, describe the extent of the completed portion: _____NASHVILLE ENVIRONMENTAL
FIELD OFFICE
RECEIVED

SEP 22 2016

TENNESSEE DEPT OF
ENVIRONMENT & CONSERVATION

Application for Aquatic Resource Alteration Permit (ARAP) & State §401 Water Quality Permit

The required information in Sections 6-11 must be submitted on a separate sheet(s) and submitted in the same numbered format as presented below. If any question is not applicable, state the reason why it is not applicable.

Section 6. Project Description		Attached	
		Yes	No
6.1	A narrative description of the scope of the project	<input type="checkbox"/>	<input type="checkbox"/>
6.2	USGS topographic map indicating the exact location of the project (<i>can be a photographic copy</i>)	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Photographs of the resource(s) proposed for alteration with location description (<i>photo locations should be noted on map</i>)	<input type="checkbox"/>	<input type="checkbox"/>
6.4	A narrative description of the existing stream and/or wetland characteristics including, but not limited to, dimensions (e.g., depth, length, average width), substrate and riparian vegetation	<input type="checkbox"/>	<input type="checkbox"/>
6.5	A narrative description of the proposed stream and/or wetland characteristics including, but not limited to, dimensions (e.g., depth, length, average width), substrate and riparian vegetation	<input type="checkbox"/>	<input type="checkbox"/>
6.6	In the case of wetlands, include a wetland delineation with delineation forms and site map denoting location of data points	<input type="checkbox"/>	<input type="checkbox"/>
6.7	A copy of all hydrologic or jurisdictional determination documents issued for water resources on the project site	<input type="checkbox"/>	<input type="checkbox"/>

Section 7. Project Rationale		Attached	
		Yes	No
Describe the need for the proposed activity, including, but not limited to, the purpose, alternatives considered, and what will be done to avoid or minimize impacts to streams or wetlands.		<input type="checkbox"/>	<input type="checkbox"/>

Section 8. Technical Information		Attached	
		Yes	No
8.1	Detailed plans, specifications, blueprints, or legible sketches of present site conditions and the proposed activity. Plans must be 8.5.x 11 inches. Additional larger plans may also be submitted to aid in application review. The detailed plans should be superimposed on existing and new conditions (<i>e.g., stream cross sections where road crossings are proposed</i>)	<input type="checkbox"/>	<input type="checkbox"/>
8.2	For both the proposed activity and compensatory mitigation, provide a discussion regarding the sequencing of events and construction methods	<input type="checkbox"/>	<input type="checkbox"/>
8.3	Depiction and narrative on the location and type of erosion prevention and sediment control (EPSC) measures for the proposed alterations	<input type="checkbox"/>	<input type="checkbox"/>

Section 9. Water Resources Degradation (degree of proposed impact) <i>Note that in most cases, activities that exceed the scope of the General Permit limitations are considered greater than de minimis degradation to water quality.</i>	
<p>My activity, as proposed:</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> Will not cause measurable degradation to water quality b. <input type="checkbox"/> Will only cause de minimis degradation to water quality c. <input type="checkbox"/> Will cause more than de minimis degradation to water quality (<i>Complete additional sections 9-11</i>) d. <input type="checkbox"/> Unsure/need more information <p><i>For information and guidance on the definition of de minimis and degradation, refer to the Antidegradation Statement in Chapter 0400-40-03-.06 of the Tennessee Water Quality Criteria Rule: https://www.tn.gov/sos/rules/0400/0400-40/0400-40-03.20131216.pdf. For more information on specifics on what General Permits can cover, refer to the Natural Resources Unit webpage at http://www.tn.gov/environment/permits/arap.shtml</i></p>	

If you checked "c." above in Section 9, complete the following 2 sections, 10-11.

Section 10. Detailed Alternative Analysis		Attached	
		Yes	No
10.1	Analyze all reasonable alternatives and describe the level of degradation caused by each of the feasible alternatives	<input type="checkbox"/>	<input type="checkbox"/>
10.2	Discuss the social and economic consequences of each alternative	<input type="checkbox"/>	<input type="checkbox"/>
10.3	Demonstrate that the degradation associated with the preferred alternative will not violate water quality criteria for uses designated in the receiving waters, and is necessary to accommodate important economic and social development in the area	<input type="checkbox"/>	<input type="checkbox"/>

Application for Aquatic Resource Alteration Permit (ARAP) & State §401 Water Quality Permit

Section 11. Compensatory Mitigation		Attached	
		Yes	No
11.1	A detailed discussion of the proposed compensatory mitigation	<input type="checkbox"/>	<input type="checkbox"/>
11.2	Describe how the compensatory mitigation would result in no net loss of resource value	<input type="checkbox"/>	<input type="checkbox"/>
11.3	Provide a detailed monitoring plan for the compensatory mitigation site	<input type="checkbox"/>	<input type="checkbox"/>
11.4	Describe the long-term protection measures for the compensatory mitigation site (e.g., deed restrictions, conservation easement)	<input type="checkbox"/>	<input type="checkbox"/>

Certification and Signature

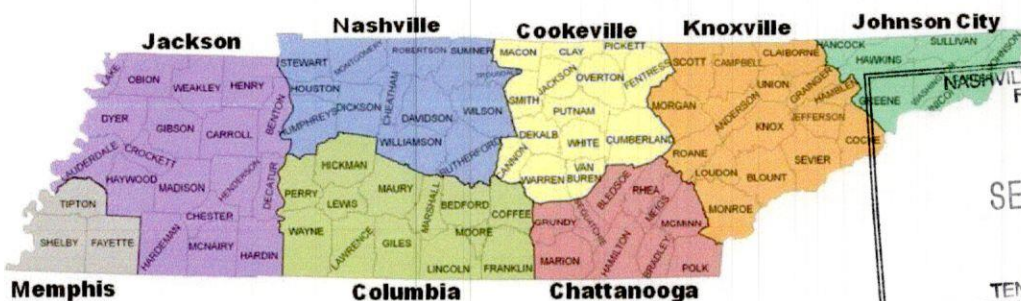
An application submitted by a corporation must be signed by a principal executive officer; from a partnership or proprietorship, by the partner or proprietor respectively; from a municipal, state, federal or other public agency or facility, the application must be signed by either a principal executive officer, ranking elected official, or other duly authorized employee.

"I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."

Kenneth Wilber	Mayor	<i>Kenneth Wilber</i>	9/07/2016
Printed Name	Official Title	Signature	Date

Submitting the form and obtaining more information Note that this form must be signed by the principal executive officer, partner or proprietor, or a ranking elected official in the case of a municipality; for details see **Certification and Signature** statement above. For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC). Submit the completed ARAP Application form (keep a copy for your records) to the appropriate EFO for the county(ies) where the ARAP activity is located, addressed to **Attention: ARAP Processing**. You may also electronically submit the complete application and all associated attachments (e.g., maps, wetland delineations and narrative portions) to water.permits@tn.gov.

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	8383 Wolf Lake Drive, Bartlett	38133-4119	Cookeville	1221 South Willow Ave.	38506
Jackson	1625 Hollywood Drive	38305-4316	Chattanooga	1301 Riverfront Pkwy., Ste. 206	37402
Nashville	711 R S Gass Boulevard	37243	Knoxville	3711 Middlebrook Pike	37921
Columbia	1421 Hampshire Pike	38401	Johnson City	2305 Silverdale Road	37601



OFFICIAL STATE USE ONLY

Received Date: 9-8-16	Permit Number: NK1604.210	Reviewer:	Field Office: 04
Fee amount paid: 500.	T & E Aquatic Flora and Fauna:	Impaired Receiving Stream:	Application Review:
Date: 9-22-16	Yes	NO	<input type="checkbox"/> Deficient Date: _____
Check #: 2471	Exceptional TN Water: No		<input checked="" type="checkbox"/> Complete Date: 1/27/16

59509